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ORDINANCE NO. 46-198

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2004-00021

Zone change from “MF-29” Multi-family Residential to “GO” General Office and “LC” Limited Commercial and create Protective Overlay District #140 on property described as:

LC Zoning

That part of Lot 1, Auburn Hills 7th Addition, Wichita, Sedgwick County, Kansas lying west of the following described line: Commencing at the NW corner of said Lot 1; thence N 88 degrees 59'02"E along the north line of said Lot 1, 280.00 feet for a point of beginning; thence S 00 degrees 05'53"W parallel with the west line of the NW 1/4 of Sec. 25, Twp. 27-S, R-2-W of the 6th P.M., Sedgwick County, Kansas, 435.27 feet to a point on the southeast line of said Lot 1, said point being 396.46 feet northeast of the SW corner of said Lot 1, and there ending.

GO Zoning

Lot 1, Auburn Hills 7th Addition, Wichita, Sedgwick County, Kansas EXCEPT that part of said Lot 1 lying west of the following described line: Commencing at the NW corner of said Lot 1; thence N 88 degrees 59'02"E along the north line of said Lot 1, 280.00 feet for a point of beginning; thence S 00 degrees 05'53"W parallel with the west line of the NW 1/4 of Sec. 25, Twp. 27-S, R-2-W of the 6th P.M., Sedgwick County, Kansas, 435.27 feet to a point on the southeast line of said Lot 1, said point being 396.46 feet northeast of the SW corner of said Lot 1, and there ending. Generally located approximately 760-feet south of the Maple Street – 135th Street West intersection, the east side of 135th Street West.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #140:

1. Parking shall be provided in accordance with Section 28.04.140 et.seq. of the Code of the City of Wichita, unless otherwise specified in the parcel description.
2. A Drainage Plan shall be submitted to City Engineering for approval. Required guarantees for drainage shall be provided at the time of platting improvements.
3. Major street improvements for 135th Street West shall be in conformance with the plat of the Auburn Hills 7th Addition.
4. The maximum square footage of sign area permitted for monument type signs only will be according to the Neighborhood Retail Zoning District. As the frontage develops along the arterial roadways monument type signs shall be spaced a minimum of 150-feet apart, irrespective of how land is leased or sold, with the following stipulations:
 - a. Flashing signs (except for signs showing only time, temperature and other public service messages), rotating or moving signs, signs with moving lights or signs which create illusions of movement are not permitted.
 - b. Portable and off-site signs are not permitted.
 - c. Window display signs are limited to 25% of the window area.
 - d. No signs shall be allowed on the rear of any buildings.
 - e. Building signs for buildings located within 150-feet of the arterial streets are limited to standards for the Neighborhood Retail District.
5. A plan for a pedestrian walk system shall be required to link proposed buildings with the major entrance and sidewalks along 135th Street West. The pedestrian walk system shall be assured by the required submission and approval of an overall site traffic circulation plan by the Planning Director for each parcel prior to issuing building permits.
6. Access controls are shown on the plat, with the total number of access points being as follows: 135th Street West, two (2) points of access.
7. All exterior lighting shall be shielded to prevent light disbursement in a southerly or easterly direction. All exterior lighting shall be of the full cut-off type. A full cut-off type exterior lighting is constructed in such a manner that all light emitting is projected downward, is permanently affixed and is non-adjustable.
8. All parcels shall share similar or consistent parking lot lighting elements (i.e., fixtures, poles, and lamps, and ect.).
 - a. Limit height of light poles to 14 feet
 - b. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.
9. Utilities shall be installed underground on all parcels.
10. Landscaping for this site shall be required as follows:
 - a. Development of all parcels shall comply with the Landscape Ordinance of the City of Wichita.
 - b. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material. This plan shall be submitted to the Planning Department for their review and approval prior to issuance of a building permit.

- c. Requirements for street yard landscaping and buffer strip trees will be calculated at 1.5 times the minimum ordinance requirements. Requirements for parking lot landscape shall comply with the landscape ordinance.
 - d. A financial guarantee for the plant material approved on the landscape plan for that portion being developed shall be required prior to issuance of any occupancy permit, if the required landscape has not been planted.
11. Masonry Walls:
- a. A six (6) foot high masonry wall shall be constructed along the south and east property lines of the commercial zoning request and on the east abutting Auburn Hills 3rd Addition. This said masonry wall shall be constructed of a pattern and color that is consistent with the building walls
12. Rooftop mechanical equipment shall be screened from ground level view per Code of the City of Wichita.
13. Trash receptacles shall be appropriately screened to reasonably hide them from ground view.
14. All buildings shall share uniform architectural character, color, texture, and the same predominate exterior building material. Building walls and roofs must have predominantly earth-tone colors, with vivid colors limited to incidental accent, and must employ materials similar to surrounding residential areas. Metal shall not be permitted as a predominant exterior building material for any building on the site. The maximum height of all structures shall be 35-feet.
15. Fire lanes shall be in accordance with the Fire Code of the City of Wichita. No parking shall be allowed in said fire lane, although they may be used for passenger loading and unloading. The Fire Chief or his designated representative shall review and approve the location and design of all fire lanes. Fire hydrant installation and paved access to all building sites shall be provided for each phase of the construction prior to the issuance of building permits.
16. No parcel shall allow the use of adult entertainment establishments, group homes, group residential, halfway houses, correctional placement residences, private clubs, taverns, and drinking establishments. Restaurants that serve liquor can be developed and may serve liquor, as long as food is the primary service of the establishment. No restaurant with drive-in or drive-through service, no convenience stores, service stations, carwashes, and no overhead doors for auto supply or services uses are permitted within 150 feet-of residential zoned areas.
17. Notification of all real property owners, as listed within the notification area of the subject site for the zoning change, shall occur when administrative adjustments are requested.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, JUNE 22, 2004.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney